

given to an official of the employer or the employer's insurance carrier, and that the employer or carrier was not prejudiced due to the failure to provide notice to a responsible official designated by the employer pursuant to subsection (c) of this title, or (ii)".

1972—Subsec. (a). Pub. L. 92-576 provided for notice of an injury or death within thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 11(a) of Pub. L. 98-426 effective Sept. 28, 1984, and applicable both with respect to claims filed after such date and to claims pending on such date, and amendment by section 11(b), (c) of Pub. L. 98-426 effective 90 days after Sept. 28, 1984, and applicable both with respect to claims filed after such 90th day and to claims pending on such 90th day, see section 28(a), (b) of Pub. L. 98-426, set out as a note under section 901 of this title.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-576 effective 30 days after Oct. 27, 1972, see section 22 of Pub. L. 92-576, set out as a note under section 902 of this title.

#### CROSS REFERENCES

Cancellation of contract or policy of insurance, notice in accordance with subsec. (c), see section 936 of this title.

Report of injury or death to Secretary, see section 930 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 908, 914, 936 of this title; title 30 section 932.

### § 913. Filing of claims

#### (a) Time to file

Except as otherwise provided in this section, the right to compensation for disability or death under this chapter shall be barred unless a claim therefore is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment.

#### (b) Failure to file

(1) Notwithstanding the provisions of subsection (a) of this section failure to file a claim within the period prescribed in such subsection shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

(2) Notwithstanding the provisions of subsection (a) of this section, a claim for compensation for death or disability due to an occupational disease which does not immediately result in such death or disability shall be timely if filed within two years after the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical ad-

vice should have been aware, of the relationship between the employment, the disease, and the death or disability, or within one year of the date of the last payment of compensation, whichever is later.

#### (c) Effect on incompetents and minors

If a person who is entitled to compensation under this chapter is mentally incompetent or a minor, the provisions of subsection (a) of this section shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent or a minor from the date of appointment of such guardian or other representative, or in the case of a minor, if no guardian is appointed before he becomes of age, from the date he becomes of age.

#### (d) Tolling provision

Where recovery is denied to any person, in a suit brought at law or in admiralty to recover damages in respect of injury or death, on the ground that such person was an employee and that the defendant was an employer within the meaning of this chapter and that such employer had secured compensation to such employee under this chapter, the limitation of time prescribed in subsection (a) of this section shall begin to run only from the date of termination of such suit.

(Mar. 4, 1927, ch. 509, § 13, 44 Stat. 1432; Pub. L. 92-576, § 12(b), Oct. 27, 1972, 86 Stat. 1259; Pub. L. 98-426, § 12, Sept. 28, 1984, 98 Stat. 1649.)

#### AMENDMENTS

1984—Subsec. (b). Pub. L. 98-426 designated existing provisions as par. (1) and added par. (2).

1972—Subsec. (a). Pub. L. 92-576 inserted "Except as otherwise provided in this section" and provided that the time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-426 effective Sept. 28, 1984, and applicable both with respect to claims filed after such date and to claims pending on such date, see section 28(a) of Pub. L. 98-426, set out as a note under section 901 of this title.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-576 effective 30 days after Oct. 27, 1972, see section 22 of Pub. L. 92-576, set out as a note under section 902 of this title.

#### CROSS REFERENCES

Report of injury or death to Secretary, see section 930 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 908, 919 of this title; title 30 section 932.

### § 914. Payment of compensation

#### (a) Manner of payment

Compensation under this chapter shall be paid periodically, promptly, and directly to the person entitled thereto, without an award, except where liability to pay compensation is controverted by the employer.

**(b) Period of installment payments**

The first installment of compensation shall become due on the fourteenth day after the employer has been notified pursuant to section 912 of this title, or the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter compensation shall be paid in installments, semi-monthly, except where the deputy commissioner determines that payment in installments should be made monthly or at some other period.

**(c) Notification of commencement or suspension of payment**

Upon making the first payment, and upon suspension of payment for any cause, the employer shall immediately notify the deputy commissioner, in accordance with a form prescribed by the Secretary, that payment of compensation has begun or has been suspended, as the case may be.

**(d) Right to compensation controverted**

If the employer controverts the right to compensation he shall file with the deputy commissioner on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the Secretary stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted.

**(e) Additional compensation for overdue installment payments payable without award**

If any installment of compensation payable without an award is not paid within fourteen days after it becomes due, as provided in subsection (b) of this section, there shall be added to such unpaid installment an amount equal to 10 per centum thereof, which shall be paid at the same time as, but in addition to, such installment, unless notice is filed under subsection (d) of this section, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

**(f) Additional compensation for overdue installment payments payable under terms of award**

If any compensation, payable under the terms of an award, is not paid within ten days after it becomes due, there shall be added to such unpaid compensation an amount equal to 20 per centum thereof, which shall be paid at the same time as, but in addition to, such compensation, unless review of the compensation order making such award is had as provided in section 921 of this title and an order staying payment has been issued by the Board or court.

**(g) Notice of payment; penalty**

Within sixteen days after final payment of compensation has been made, the employer shall send to the deputy commissioner a notice, in accordance with a form prescribed by the Secretary, stating that such final payment has been

made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid. If the employer fails to so notify the deputy commissioner within such time the Secretary shall assess against such employer a civil penalty in the amount of \$100.

**(h) Investigations, examinations, and hearings for controverted, stopped, or suspended payments**

The deputy commissioner (1) may upon his own initiative at any time in a case in which payments are being made without an award, and (2) shall in any case where right to compensation is controverted, or where payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation, or from the employer, that the right to compensation is controverted, or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examinations to be made, or hold such hearings, and take such further action as he considers will properly protect the rights of all parties.

**(i) Deposit by employer**

Whenever the deputy commissioner deems it advisable he may require any employer to make a deposit with the Treasurer of the United States to secure the prompt and convenient payment of such compensation, and payments therefrom upon any awards shall be made upon order of the deputy commissioner.

**(j) Reimbursement for advance payments**

If the employer has made advance payments of compensation, he shall be entitled to be reimbursed out of any unpaid installment or installments of compensation due.

**(k) Receipt for payment**

An injured employee, or in case of death his dependents or personal representative, shall give receipts for payment of compensation to the employer paying the same and such employer shall produce the same for inspection by the deputy commissioner, whenever required.

(Mar. 4, 1927, ch. 509, §14, 44 Stat. 1432; May 26, 1934, ch. 354, §4, 48 Stat. 807; June 25, 1938, ch. 685, §7, 52 Stat. 1167; June 24, 1948, ch. 623, §5, 62 Stat. 603; July 26, 1956, ch. 735, §5, 70 Stat. 655; Pub. L. 87-87, §3, July 14, 1961, 75 Stat. 203; Pub. L. 92-576, §§5(e), 15(d), Oct. 27, 1972, 86 Stat. 1254, 1262; Pub. L. 98-426, §§13, 27(a)(2), Sept. 28, 1984, 98 Stat. 1649, 1654.)

## AMENDMENTS

1984—Subsec. (b). Pub. L. 98-426, §13(a), substituted “employer has been notified pursuant to section 912 of this title, or the employer,” for “employer”.

Subsecs. (c), (d), (g). Pub. L. 98-426, §27(a)(2), substituted “Secretary” for “commissioner”. See Transfer of Functions note set out under section 902 of this title.

Subsecs. (j) to (l). Pub. L. 98-426, §13(b), redesignated subsecs. (k) and (l) as (j) and (k), respectively, and struck out former subsec. (j) which provided that whenever the deputy commissioner determines that it was in the interest of justice, the liability of the employer for compensation, or any part thereof as determined by

the deputy commissioner with the approval of the Secretary, could be discharged by the payment of a lump sum equal to the present value of future compensation payments commuted, computed at 4 per centum true discount compounded annually, that the probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he was entitled to compensation would be determined in accordance with the American Experience Table of Mortality, and the probability of the remarriage of the surviving wife would be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution, and that the probability of the happening of any other contingency affecting the amount or duration of the compensation would be disregarded, was struck out.

1972—Subsec. (f). Pub. L. 92-576, §15(d), substituted “order staying payment has been issued by the Board or court” for “interlocutory injunction staying payments is allowed by the court as provided therein”.

Subsec. (m). Pub. L. 92-576, §5(e), repealed subsec. (m) limiting aggregate money allowance for an injury under this chapter to \$24,000, making the limitation inapplicable to cases of permanent total disability or death, and providing that in applying the limitation there shall not be taken into account any amount payable under section 908(g) of this title for maintenance during rehabilitation or any amount of additional compensation required to be paid under this section for delay or default in the payment of compensation or any amount accruing as interest upon defaulted compensation collectible under section 918 of this title.

1961—Subsec. (m). Pub. L. 87-87 increased limitation on total money allowance as compensation for injury from “\$17,280” to “\$24,000”.

1956—Subsec. (m). Act July 26, 1956, provided for maximum money allowance of \$17,280 in lieu of total compensation of \$11,000, struck out additional former limit of \$10,000 for disabilities compensable under section 908(c)(21) of this title, and inserted provision excepting from \$17,280 limitation, amounts payable under section 908(g) of this title for maintenance during rehabilitation, and amounts payable under this section for delay or default in payment of compensation or interest collectible under section 918 of this title.

1948—Subsec. (m). Act June 24, 1948, increased overall statutory maximum limitation upon compensation for disability from \$7,500 to \$11,000, and fixed a sublimitation of \$10,000 upon that particular compensation for permanent partial disability which is payable when the case is classified as one in which compensation shall be payable under section 908(c)(21) of this title, but neither limitation shall apply for permanent total disability or death.

1938—Subsec. (f). Act June 25, 1938, inserted “and an interlocutory injunction staying payments is allowed by the court as provided therein”.

1934—Subsec. (j). Act May 26, 1934, substituted “in the interest of justice” for “for the best interests of a person entitled to compensation”, inserted “or any part thereof as determined by the deputy commissioner with the approval of the Commission”, and inserted provision for determining probability of remarriage.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 13 of Pub. L. 98-426 effective 90 days after Sept. 28, 1984, and applicable both with respect to claims filed after such 90th day and to claims pending on such 90th day, and amendment by section 27(a)(2) of Pub. L. 98-426 effective Sept. 28, 1984, see section 28(b), (e)(1) of Pub. L. 98-426, set out as a note under section 901 of this title.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-576 effective 30 days after Oct. 27, 1972, see section 22 of Pub. L. 92-576, set out as a note under section 902 of this title.

#### EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-87 effective as to injuries sustained on or after July 14, 1961, see section 4 of Pub. L. 87-87, set out as a note under section 906 of this title.

#### EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 26, 1956, applicable only with respect to injuries and death occurring on or after July 26, 1956, see section 9 of act July 26, 1956, set out as a note under section 906 of this title.

#### EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act June 24, 1948, applicable to death or injuries occurring after June 24, 1948, see section 6 of act June 24, 1948, set out as a note under section 906 of this title.

#### CROSS REFERENCES

Certain approved settlements to be paid in installments, see section 908 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 928 of this title; title 42 section 1702.

### § 915. Invalid agreements

(a) No agreement by an employee to pay any portion of premium paid by his employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this chapter shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000.

(b) No agreement by an employee to waive his right to compensation under this chapter shall be valid.

(Mar. 4, 1927, ch. 509, §15, 44 Stat. 1434.)

#### CROSS REFERENCES

Settlement of claim, where deputy commissioner determines it is for the best interest of injured employee, notwithstanding provision of subsec. (b) of this section, see section 908 of this title.

### § 916. Assignment and exemption from claims of creditors

No assignment, release, or commutation of compensation or benefits due or payable under this chapter, except as provided by this chapter, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

(Mar. 4, 1927, ch. 509, §16, 44 Stat. 1434.)

#### FEDERAL RULES OF CIVIL PROCEDURE

Execution, see rule 69, Title 28, Appendix, Judiciary and Judicial Procedure.

Continuation of section, see also note by Advisory Committee under that rule.

#### CROSS REFERENCES

Settlement of claim, where deputy commissioner determines it is for best interest of injured employee, notwithstanding provisions of this section, see section 908 of this title.